

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 1, 2003, and the references cited therewith.

Claims 10-16 and 18-34 are now pending in this application.

§102 Rejection of the Claims

Claims 10-16 and 18-34 were rejected under 35 USC § 102(e) as being anticipated by Sandhu et al. (Hereinafter "Sandhu") U. S. Patent No. 6,347,307. Applicant respectfully traverses. Applicant respectfully submits that the present claims 10-16 and 18-34 are fully supported by an enabling provisional patent application 60/154,026, filed September 10, 1999, to which priority was claimed. Applicant's provisional application predates the filing date of Sandhu's U. S. Patent No. 6,347,307. Sandhu's U. S. Patent No. 6,347,307 in turn claims priority to two provisional applications, 60/139113 filed June 14, 1999, and 60/162,873 filed November 1, 1999. The Examiner has not provided a copy of either of these provisional applications. The later provisional, 60/162,873 filed November 1, 1999, does not provide a 102(e) date that precedes Applicant's provisional filing date, and certainly the June 13, 2000 filing date of U. S. Patent No. 6,347,307 does not precede our effective filing date. It cannot be presumed that the June 14, 1999 provisional application has all or even any of the description relied upon by the Examiner for the rejection. Applicant is enclosing with this response, as a courtesy, a copy of Applicant's provisional as filed, and the Examiner is invited to get a copy from the USPTO's official files.

Thus, Applicant respectfully submits that the use of U. S. Patent No. 6,347,307 as a 102(e) reference is improper. If the Examiner thinks that the provisional 60/139113 filed June 14, 1999 supports the rejection, Applicant respectfully requests that the Examiner provide that reference and an analysis of why and where that reference supports a rejection, if it does. Applicant reserves the right to answer the specific rejections based on the actual provisional reference, if those can be shown, rather than hypothetical assertions based on the issued patent which has a date too late to be used as a 102(e) reference. Further, applicant reserves the right to swear behind any material that might be in provisional application 60/139113 filed June 14, 1999.

Applicant respectfully submits that the Examiner has not provided a prima facie case against patentability. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 371-2103) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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By their Representatives,

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Date

1 July 2003

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this ____ day of July, 2003.

Charles A. Lemaire

Name

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Signature